

**A RESOLUTION
BY FINANCE EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO AN 800 MHz WAVE 3, STAGE 2 RECONFIGURATION AGREEMENT, AS MANDATED BY THE FEDERAL COMMUNICATIONS COMMISSION, WITH SPRINT NEXTEL FOR THE REIMBURSEMENT OF COSTS AND DIRECT PAYMENT OF VENDORS ASSOCIATED WITH THE RECONFIGURATION OF THE CITY'S 800 MHz RADIO SYSTEM; AND FOR OTHER PURPOSES.

WHEREAS, the Federal Communications Commission ("FCC") issued several regulatory orders regarding the reconfiguration of all radio frequencies operating in the 800 MHz band; and

WHEREAS, the purpose of the FCC orders is to reorganize the 800 MHz band in a way that minimizes harmful interference to public safety radio communication systems in the 800 MHz band; and

WHEREAS, the FCC orders modified rules governing the 800 MHz band and mandated that all 800 MHz radio licensees negotiate a reconfiguration agreement with Sprint Nextel to have their radio frequencies relocated to another part of the 800 MHz band, thereby minimizing harmful interference to public safety radio communication systems in the 800 MHz band; and

WHEREAS, pursuant to the FCC orders, the City and Sprint Nextel have reached an agreement for the reimbursement of costs and for the direct payment of vendors necessary to reconfigure the City's radio system for Wave 3, Stage 2.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor or the Mayor's designee is authorized to execute an appropriate 800 MHz Wave 3, Stage 2 Reconfiguration Agreement with Sprint Nextel for the reimbursement of costs and for the direct payment of vendors necessary to reconfigure the City's affected 800 MHz frequencies and equipment.

BE IT FURTHER RESOLVED, that the term of the Agreement will extend until all necessary reconfiguration activity is complete for Wave 3, Stage 2 and closing documents for the agreement are complete.

BE IT FURTHER RESOLVED, that the Agreement will not be binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to the Municipal Clerk, approved as to form by the City Attorney and delivered to Sprint Nextel.

BE IT FINALLY RESOLVED, that all funds shall be deposited to Fund Account and Center number 1A01 469106 B00001 (General Fund/Recover Purchases/Direct EXP).



CITY OF ATLANTA

Shirley Franklin
Mayor

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DEPARTMENT OF PROCUREMENT
Adam L. Smith, Esq., CPPB
Chief Procurement Officer
asmith@atlantaga.gov

February 15, 2008

PROCUREMENT CODE SECTION 2-1191.1 SPECIAL PROCUREMENT DESIGNATION FC-6007000017

Pursuant to Atlanta City Code Section 2-1191.1, the Chief Procurement Officer may initiate a procurement above the small purchase amount specified in Section 2-1190 where he/she determines that an unusual or unique situation exists that make the application of all requirements of competitive sealed bidding or competitive sealed proposals contrary to the public interest and such procurement does not technically qualify as a sole source procurement under Code Section 2-1191. Any special procurement under this Section shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the procurement and for the selection of the particular contractor shall be included by the chief procurement officer in the contract file.

This special procurement request is made to amend the Motorola Communications Radio System Agreement and the Shaw/AIM Contractual Agreement to include activities related to the integration of the rebanding and radio communications system projects on behalf of the Office of Information Technology.

Having conducted an investigation of the available sources regarding the materials, goods and/or services stipulated herein pursuant to § 2-1191.1 of the City of Atlanta Code of Ordinances, Special Procurement, my findings are the following:

- 1) As a result of interferences between numerous public safety radios and public, commercial "push-to-talk" products (such as Sprint-Nextel's) the Federal Communications Commission (FCC) ordered a realignment of radios operation in the 800 MHz licensed spectrum. Sprint-Nextel agreed to reimburse all affected FCC license owners for the cost of retuning, reconfiguring, or replacing the equipment. The City of Atlanta's (the "City") radios are affected by the FCC's rebanding. Affected radios include police and fire radios and virtually all other radios used by the City's operating departments.

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Shaw/AIM Contractual Agreement**

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- 2) The City is currently in the process of updating from an analog public safety radio communications system to a digital Astro P25 radio system. Given the common tasks that these two projects have, there is an opportunity for saving time and costs by combining rebanding efforts with the digital radio upgrade project currently underway.
- 3) The City has successfully concluded Frequency Reconfiguration Agreement (**FRA**) negotiations with Sprint-Nextel and will receive payment from Sprint-Nextel for implementing its own rebanding activities under the FCC mandated FRA.
- 4) The special agreement is necessary for the City to meet its regulatory obligation as mandated by the FCC. Failure by the City to properly relocate its 800 MHz radio systems to the new radio spectrum locations would create a clear threat to the general public, including dangerous interference, failure of existing interoperability between public safety agencies, and possible total system failure.

I, Adam L. Smith, by the authority vested in me pursuant to § 2-1191.1 of the City of Atlanta Code of Ordinances, do hereby approve, direct and authorize the special procurement to amend the Motorola Communications Radio System Agreement and the Shaw/AIM Contractual Agreement to include activities related to the integration of the rebanding and radio communications system projects on behalf of the Office of Information Technology.


Adam L. Smith 

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/ Executive Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO AN 800 MHz WAVE 3, STAGE 2 RECONFIGURATION AGREEMENT, AS MANDATED BY THE FEDERAL COMMUNICATIONS COMMISSION, WITH SPRINT NEXTEL FOR THE REIMBURSEMENT OF COSTS AND DIRECT PAYMENT OF VENDORS ASSOCIATED WITH THE RECONFIGURATION OF THE CITY'S 800 MHz RADIO SYSTEM; AND FOR OTHER PURPOSES.

Council Meeting Date: March 7, 2008

Requesting Dept.: Mayor's Office

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to accept funds from Sprint Nextel for reimbursement of costs and payment to vendors associated with the rebanding of the City's 800 MHz radio system.

2. Please provide background information regarding this legislation.

City Councils approved the City to enter into an 800 MHz Wave 3, Stage 1 Reconfiguration Agreement with Sprint Nextel to negotiate the costs for rebanding the city's radio system. Negotiations have been finalized and the City is seeking approval to accept the funds negotiated through the agreement, to pay for costs associated with rebanding activities.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) **Bidders/Proponents:** N/A

(h) **Term of Contract:**

4. Fund Account Center (Ex. Name and number): Fund Account and Center number 1A01 469106 B00001 (General Fund/Recover Purchases/Direct EXP).

5. Source of Funds: Sprint Nextel Reimbursement

6. Fiscal Impact: \$ 3,474,357.10

7. Method of Cost Recovery: The City is receiving all funds for rebanding activities.

This Legislative Request Form Was Prepared By: Ellen Byrdsell, Project Manager, Office of the Mayor

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Derrick Williams

Contact Number: (404) 330-6310

Originating Department: Mayor's Office

Committee(s) of Purview: Finance

Chief of Staff Deadline: February 27, 2008

Anticipated Committee Meeting Date(s): March 11, 2008

Anticipated Full Council Date: March 17, 2008

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO AN 800 MHz WAVE 3, STAGE 2 RECONFIGURATION AGREEMENT, AS MANDATED BY THE FEDERAL COMMUNICATIONS COMMISSION, WITH SPRINT NEXTEL FOR THE REIMBURSEMENT OF COSTS AND DIRECT PAYMENT OF VENDORS ASSOCIATED WITH THE RECONFIGURATION OF THE CITY'S 800 MHz RADIO SYSTEM; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$ 3,474,357.10

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 2/27/08
(date)

Reviewed by: _____
(date)

Submitted to Council: _____
(date)